

**REMARKS**

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow are respectfully requested.

As correctly noted in the Office Action Summary, claims 1-20 are pending in the application and are under consideration.

By the foregoing amendments, claims 13, 14 and 16 have been rewritten into independent form. In addition, claims 11 and 20 have been amended to further recite that “the conductive layer is disposed between the substrate and the dielectric layer.” Support can be found, for example, in Figure 1 of the present application.

Applicants thank the Examiner for his time and consideration during the personal interview of June 20, 2005. During the interview, the §102(e) rejection based on Busta et al (U.S. Patent No. 6,140,646), as well as the foregoing amendments to claims 11 and 20 were discussed. As noted in the Examiner Interview Summary Record, which accurately reflects the substance of the interview, the amendment was deemed by the Examiner to have overcome the §102(e) rejection based on Busta et al.<sup>1</sup> This rejection is addressed in greater detail below.

Turning now to the Official Action, claims 1-20 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,698,295. This rejection has been obviated by the attached Terminal Disclaimer. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 11, 12 and 17-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Busta et al. The claims as presented above cannot properly be rejected on this basis. In this regard, Busta et al does not disclose or suggest each feature of the present invention. For example, as discussed during the interview, the Busta et al “dielectric layer” (228) and “conductive layer” (234) relied on in the Official Action (Official Action at page 4, FIG. 1 of Busta et al) are not suggestive of a conductive layer disposed between substrate and dielectric layer, as now recited in claims 11 and 20.

---

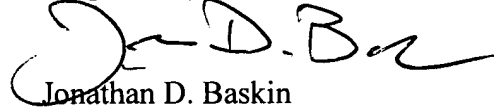
<sup>1</sup> The Examiner Interview Summary form references “independent claim 10” with respect to the proposed claim amendment. This appears to be a typographical error as the proposed amendment was presented in reference to independent claim 11, not claim 10.

Accordingly, withdrawal of the §102(e) rejection based on Busta et al is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at his earliest convenience.

Respectfully submitted,



Jonathan D. Baskin

Attorney for Applicant  
Registration No. 39,499  
Telephone No.: (508) 787-4766  
Facsimile No.: (508) 787-4730

c/o EDWARDS & ANGELL, LLP  
P.O. Box 55874  
Boston, Massachusetts 02205  
Date: August 18, 2005